

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOSE M. V. RODRIGUES,  
Petitioner

v.

JOSEPH F. MCDONOUGH, SHERIFF,  
PLYMOUTH COUNTY,

Respondent

Civil Action No.  
04CV10415-WGY

MOTION TO DISMISS

Respondent<sup>1</sup> moves to dismiss this action pursuant to Fed. R. Civ. P. rule 12(b)(6) for failure to state a claim upon which relief may be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

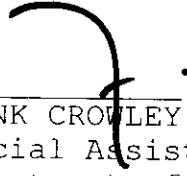
By:

FRANK CROWLEY  
Special Assistant U.S. Attorney  
Department of Homeland Security  
P.O. Box 8728  
J.F.K. Station  
Boston, MA 02114  
(617) 565-2415

<sup>1</sup> As of a DHS restructuring effective June 9, 2003, the responsive successor official of the Department of Homeland Security having control of petitioner's immigration custody in the instant action is Bruce Chadbourne, Interim Field Director for Detention and Removal, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts.

**CERTIFICATE OF SERVICE**

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by mail on March 10, 2004.

  
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